

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
WACO DIVISION

JON BATTS	§	
Plaintiff,	§	
v.	§	CIVIL ACTION NO. 6:17-CV-00346
	§	[JURY DEMANDED]
REMINGTON ARMS COMPANY, LLC,	§	
Defendant.	§	

**DEFENDANT REMINGTON ARMS COMPANY, LLC'S NOTICE OF REMOVAL**

Defendant Remington Arms Company, LLC ("Remington"), by and through its undersigned counsel, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, hereby notifies this Court that it is removing the above captioned action currently pending in the District Court of Coryell County, Texas to the United States District Court for the Western District of Texas, Waco Division. In support of this Notice of Removal, Remington states as follows:

**I.**  
**Introduction**

1. On or about November 3, 2017, Plaintiff Jon Batts filed his Original Petition ("Pet.") against Remington, in the 52<sup>nd</sup> Judicial District Court of Coryell County, Texas, case number DC-17-46973.

2. Remington was served with this petition on November 15, 2017. This notice of removal is timely filed less than thirty (30) days after Remington was served.

3. The United States District Court for the Western District of Texas, Waco Division, is the federal judicial district encompassing Leon County, Texas. 28 U.S.C. § 124(d)(2) (stating that the Waco Division of the Western District includes Coryell County). Therefore, venue lies in this Court pursuant to 28 U.S.C. § 1441(a).

4. Pursuant to 28 U.S.C. § 1446(a), the following exhibits are attached hereto and are incorporated herein by reference:

- a. Exhibit A: all pleadings asserting causes of action, all answers to such pleadings, and all executed process:

Exhibit A-1: Plaintiff's Original Petition

Exhibit A-2: Civil Case Information Sheet

Exhibit A-3: Plaintiff's Letter Requesting Service of Citation upon Remington Arms Company, LLC

Exhibit A-4: Citation Issued to Remington Arms Company, LLC

Exhibit A-5: Officer's Return of Service of Citation upon Remington Arms Company, LLC

Exhibit A-6: Defendant Remington Arms Company, LLC's Original Answer

Exhibit A-7: Defendant Remington Arms Company, LLC's Letter Request to Clerk for Copies of Documents

- b. Exhibit B: a certified copy of the state court docket sheet;

- c. Exhibit C: index of all matters being filed;

- d. Exhibit D: list of all counsel of record.

5. The Clerk of the District Court for Coryell County, Texas, and Plaintiff's counsel have been given notice of this filing of Notice of Removal.

## **II.**

### **Diversity Jurisdiction Exists**

6. Remington's basis for removal to federal court is diversity jurisdiction pursuant to 28 U.S.C. § 1332, because: (1) there is complete diversity of citizenship between Plaintiff and the defendant, Remington, and (2) the amount in controversy, exclusive of interest and costs, is alleged to exceed seventy-five thousand dollars (\$75,000.00).

7. Plaintiff resides in and is a citizen of Texas. *See* Pet. at ¶ 3.

8. Remington is a limited liability company organized under the laws of the state of Delaware with its principal place of business in North Carolina. FGI Operating Company, LLC (“FGI Operating”) is the sole member of Remington. FGI Operating is a Delaware limited liability company with its principal place of business in North Carolina. FGI Holding Company, LLC (“FGI Holding”) is the sole member of FGI Operating. FGI Holding is a Delaware limited liability company with its principal place of business in North Carolina. Remington Outdoor Company, Inc. is the sole member of FGI Holding. Remington Outdoor Company, Inc. is a Delaware corporation with its principal place of business in North Carolina. Therefore, for the purposes of diversity, Remington is a citizen of Delaware and North Carolina. *See Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1077, 1080 (5th Cir. 2008).

9. This Court has jurisdiction pursuant to 28 U.S.C. § 1332 because the amount in controversy is greater than \$75,000, exclusive of interest and costs. If it is facially apparent from the state court petition that the amount in controversy likely exceeds the removal threshold, then the defendant need only point this out to successfully meet its burden. *See Cross v. Bell Helmets, USA*, 927 F. Supp. 209, 213 (E.D. Tex. 1996).

10. In this action, it is facially apparent that Plaintiff seeks an amount in excess of the \$75,000 jurisdictional limit. This is a product liability lawsuit, alleging that a rifle manufactured by Remington is defective and caused personal injury. Specifically, Plaintiff alleges that he suffered the loss of his right eye (Pet. at ¶ 18) and past and future mental and physical pain and suffering, and disfigurement (*id.* at ¶ 21). Plaintiff alleges damages of “over one million dollars.” *Id.* at ¶ 1.

**III.**  
**Demand for Jury Trial**

11. Remington hereby demands a jury trial in this matter.

WHEREFORE, Defendant Remington Arms Company, LLC, respectfully requests that the above captioned action now pending in the District Court of Coryell County, Texas, be removed to the United States District Court for the Western District of Texas, Waco Division, and that said United States District Court assume jurisdiction of this action and enter such other and further orders as may be necessary to accomplish the requested removal and promote the ends of justice.

Dated: December 8, 2017.

Respectfully submitted,

McGINNIS, LOCHRIDGE & KILGORE, L.L.P.  
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By: /s/Mitchell C. Chaney  
Mitchell C. Chaney

*ATTORNEYS FOR DEFENDANT  
REMINGTON ARMS COMPANY, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 8th day of December, 2017, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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*ATTORNEYS FOR PLAINTIFF JON BATTS*

/s/Mitchell C. Chaney  
Mitchell C. Chaney